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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/989,437	11/21/2001	Mamiko Sugimoto	DP-820 US	1606
21254 7590 06/02/2008 MCGINN INTELLECTUAL PROPERTY LAW GROUP, PLLC 8321 OLD COURTHOUSE ROAD SUITE 200 VIENNA, VA 22182-3817				
EXAMINER				
HOLTON, STEVEN E				
ART UNIT		PAPER NUMBER		
2629				
MAIL DATE		DELIVERY MODE		
06/02/2008		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

**Advisory Action
Before the Filing of an Appeal Brief**

Application No. 09/989,437	Applicant(s) SUGIMOTO ET AL.
Examiner Steven E. Holton	Art Unit 2629

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 16 May 2008 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.
b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.
Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: _____.
Claim(s) objected to: _____.
Claim(s) rejected: 1-36.
Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☐ The request for reconsideration has been considered but does NOT place the application in condition for allowance because: _____.
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). _____
13. ☒ Other: See Continuation Sheet.

/Bipin Shalwala/
Supervisory Patent Examiner, Art Unit 2629

Continuation of 13. Other: The Examiner respectfully disagrees with the arguments regarding that Weber fails to teach the limitations of "determining whether an identifier has been received in said input stroke information". As discussed within the Office Action mailed on 3/24/2008, Weber discloses receiving stroke information from the user and then determining if a key object (Fig. 4, elements 84, 88, and 92) has been entered within the stroke information (col. 12, line 54 - col. 13, line 2). In this case the user provides handwriting data to the input system including a circle designation to indicate a key object. The key object then has an identifier (Fig. 5, element 66) associated with the key object (col. 13, lines 3-10) then further stores other data (Fig. 5, element 72) associated with the key object and key object identifier (Fig. 5, element 74). This is further shown and discussed with regard to the data shown as Fig. 7, element 96 being associated with the key object and key identifier shown as Fig. 7, elements 84 and 86. As best understood by the Examiner, the handwritten input system of Weber determines that an identifier has been entered (the key object being written) and then the key objects have further data (handwritten areas indicated with rectangles) stored in association with the key object and both the key object and the associated data are further saved corresponding to an intra-identifier code (the key object identifier code associated with the key object). This seems identical to the steps shown in Fig. 4 of the current application where the input strokes are determined to be an identifier (a key object is written), identifier codes are searched and assigned to the key object (the key identifier code associated with the key object) and finally any free handwritten input can then be stored in association with the data identifier (Fig. 7 has different blocks of text associated with different key objects).

The Examiner does agree that Weber does not teach performing text recognition on the handwritten text for determining the identifier as argued on page 17, second paragraph of the current amendment. However, the presented claims only require determining that an identifier has been received within input stroke information and that the identifier is a data identifier that is associated with stored data and an intra-identifier code. Further, the specification for the current application does not specifically teach taking input stroke information and performing text recognition for determining an identifier within the stroke information. The steps shown in Fig. 4 merely discuss analyzing stroke information to determine an identifier. The discussion of coding of input data for easy key word retrieval (page 23, line 27 - page 24, line 3) appears to discuss using handwritten input made after the identifier has been assigned to allow for easy retrieval of possible medicines from a database. It is unclear in the described method of Fig. 4 where the stroke information is further processed using text recognition for assigning an identifier to a group.

On a separate note, upon further reading of the specification the Examiner has noticed an overlooked error in the specification that would require an objection. The paragraph starting on page 18, line 30 describes the steps of Fig. 4 following when a data identifier is not specified. However, the paragraph recites then performing step A6 and A7 in succession. The diagram shown in Fig. 4, only shows a connection from step A4 to step A7 when no data identifier is specified. This disagreement between the drawings and the specification would need to be addressed, but it has not been previously presented as an objection.